

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Thursday, 9:00 A.M.
April 23, 2015**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-15-082	Construct a Semi-detached House with Basement Development (NOT to be used as an additional Dwelling) and to demolish a Single Detached House and Detached Garage (6.77m x 3.76m) 10315 - 154 Street NW Project No.: 168611706-001
---	-----------	---------------	---

NOTE: *Unless otherwise stated, all references to "Section numbers" in this Agenda refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-15-082

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN
ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 168611706-001

APPLICATION TO: Construct a Semi-detached House with
Basement development (NOT to be used
as an additional Dwelling) and to
demolish a Single Detached House and
Detached Garage (6.77m x 3.76m)

DECISION OF THE
DEVELOPMENT AUTHORITY: Approved with conditions

DECISION DATE: March 18, 2015

DATE OF APPEAL: March 30, 2015

NOTIFICATION PERIOD: March 24, 2015 through April 6, 2015

RESPONDENT: Tech View Homes Ltd

ADDRESS OF RESPONDENT: 10315 - 154 Street NW

MUNICIPAL DESCRIPTION
OF SUBJECT PROPERTY: 10315 - 154 Street NW

LEGAL DESCRIPTION: Plan 5306HW Blk 24 Lot 4

ZONE: RF2 Low Density Infill Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

DEVELOPMENT OFFICER'S DECISION

APPROVED - The proposed development is approved subject to the following conditions:

This Development Permit authorizes the development of a Semi-Detached House with Basement Development (NOT to be used as an additional Dwelling) and to demolish a Single Detached House and Detached Garage (6.77m x 3.76m). The development shall be constructed in accordance with the stamped and approved drawings.

The height of the principal building shall not exceed 8.6 m nor 2 1/2 Storeys as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

Any future deck enclosure or cover requires a separate development and building permit approval.

Any future basement development may require Development and Building Permit approvals.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to prevent visual intrusion into adjacent properties.

The maximum number of Dwellings per lot and applicable density regulations shall be as follows: Where Semi-detached Housing and Duplex Housing are allowed in this Zone, a maximum of two Dwellings per lot or and where Single Detached Housing is developed in this Zone, a maximum of one Dwelling per Site, and, where the provisions of this Bylaw are met, up to one Secondary Suite, Garage Suite or Garden Suite shall be allowed. Reference Section 140.4 (17)(b)

Semi-detached Housing requires 2 on-site parking spaces per Dwelling and may be in tandem to the attached garage. (Reference Section: 54.2(3))

On-Site parking shall be provided by means of one of the following options in accordance with the regulations of Section 50 of this Bylaw:

- a. On-Site parking may be provided within a Garage. A mutual Garage may be constructed on the common property line to the satisfaction of the Development Officer;
- b. On-Site parking may be provided by means of a Garage pad. A Garage pad shall not be constructed over a common property line; or
- c. On-Site parking may be provided by means of a Parking Area, the dimensions of which shall conform to the off-street parking space requirements of Section 54.2(4) of this Bylaw. The Parking Area shall include an underground electrical power connection with outlet on a post approximately 1.0 m in Height, located within 1.0 m of the Parking Area.

A hard surface walkway is required between the Garage, Garage pad, or Parking Area and an entry to the Dwelling.

Except for the hardsurfacing of driveways and/or parking areas approved on the site plan for this application, the remainder of the site shall be landscaped in accordance with the regulations set out in Section 55 of the Zoning Bylaw.

Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area. (Reference Section 140.4(16))

An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

Notes:

-Lot grades must match the Engineered approved lot grading plans for the area. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.

-The development of a Secondary Suite(s) in a Semi Detached House is prohibited by the Edmonton Zoning Bylaw 12800. There may be an inspection in the future to ensure that no illegal suite has been developed.

-Unless otherwise stated, all above references to section numbers refer to the authority under the Edmonton Zoning Bylaw 12800.

VARIANCE:

Semi-detached Housing shall be located: on Corner Sites; on Sites abutting an arterial or service road; where both Side Lot Lines abut existing Duplex or Semi-detached Housing; or where a minimum of one Side Lot Line: abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use; or is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 m wide.

The property does not meet any of the above criteria.

Note: A variance was granted for this Development Permit pursuant to Sections 11.3 and 11.4. Subject to the right of appeal the permit is NOT VALID until the required Notification Period expires (date noted below) in accordance with Sections 21.1 and 17.1.

APPELLANT'S SUBMISSION

Current development approval required relaxation of current bylaws. The decision for relaxation is not based in the constraints provided in the relevant sections of 11.3 and 11.4. Past approvals and developments of the same nature have caused interference and affected use, enjoyment and value of neighbouring properties.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD OFFICER'S COMMENTS

Semi-detached Housing is a Permitted Use in the RF2 Low Density Infill Zone, Section 120.2(5).

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

This application was approved by the Development Officer subject to conditions.

Pursuant to Section 11.3 and 11.4 and subject to the right of appeal to the Subdivision and Development Appeal Board, Section 21.1, the Development Officer granted the following variance:

Section 120.4(4) states Semi-detached Housing shall be located:

- a. on Corner Sites;
- b. on Sites abutting an arterial or service road;
- c. where both Side Lot Lines abut existing Duplex or Semi-detached Housing;
or
- d. where a minimum of one Side Lot Line:
 - i. abuts a Site where Row Housing, Apartment Housing, or a commercial Use is a Permitted Use; or
 - ii. is not separated from a Site where Row Housing, Apartment Housing or a commercial Use is a Permitted Use by a public roadway, including a Lane, more than 10.0 metres wide.

The Development Officer determined the locational criteria in Section 120.4(4) are not met and granted a variance relaxing the locational criteria.

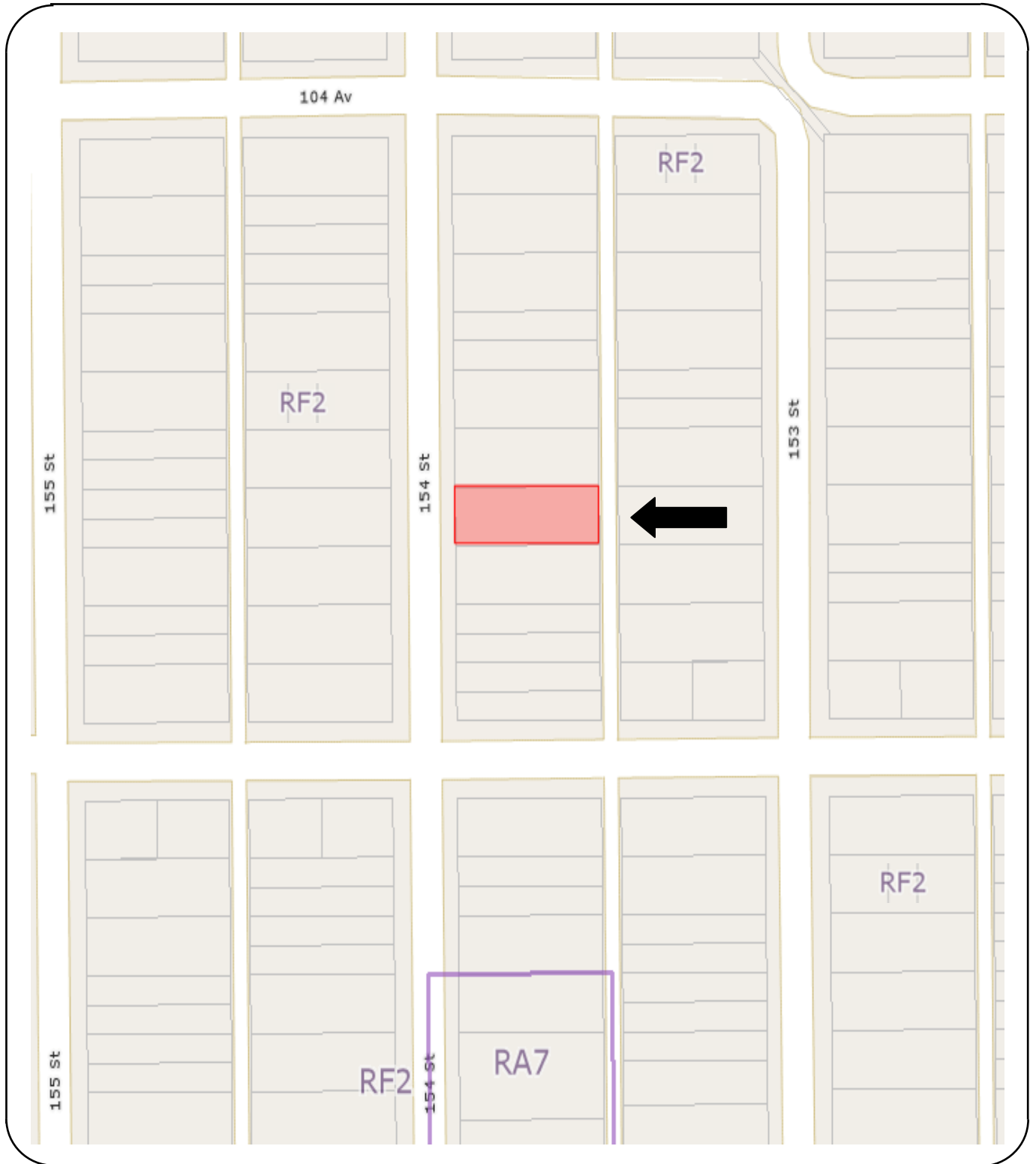
The submitted Plot Plan created by Alberta Geomatics Ltd., dated February 20, 2015 shows that the subject site has a Site Width of 15.24 metres and a Site depth of 45.05 metres. The proposed Semi-detached House is located 6.76 metres from the (west) Front Lot Line, 1.52 metres from the (north) Side Lot Line, 1.52 metres from the (south) Side Lot Line, and 22.90 metres from the (east) Rear Lot Line.

Section 120.1 states the purpose of the RF2 Low Density Infill Zone is to retain Single Detached Housing, while allowing infill on narrow lots, including Secondary Suites under certain conditions.

Section 814.1 states the purpose of the Mature Neighbourhood Overlay is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

NOTICE TO APPLICANT/APPELLANT

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the Municipal Government Act.



SURROUNDING LAND USE DISTRICTS

 Site Location

File: SDAB-D-15-082



BUSINESS LAID OVER

SDAB-D-15-075	An appeal by D. Bourgeois to construct exterior alterations to an existing single detached house (extension to front concrete driveway 9.50 metres x 15.5 metres) <i>May 6, 2015</i>
---------------	--

APPEAL HEARINGS TO BE SCHEDULED

154362913-002	An appeal by Gill Gurdeep to construct exterior alterations to a Single Detached House (driveway extension) – existing without permits <i>May 7, 2015</i>
159253875-001; LDA14-0384	An appeal by Stantec Consulting Ltd. / Frederick A. Laux, Q.C., Barrister & Solicitor to create 31 Single Detached Residential lots, 46 Semi-detached Residential Lots and 30 Row Housing Lots. <i>May 20, 2015</i>